

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6131 OF 2024

Hari Baburao Sawant (since deceased) through
legal representatives Sakhubai Hari Sawant and
Ors.

.. Petitioners

Versus

Tarabai Ananta Dhawade and Ors.

.. Respondents

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- Mr. Chaitanya B. Nikte a/w. Mr. Prajit S. Sahane, Advocates for Petitioners.
 - Mrs. D. S. Deshmukh, AGP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 29, 2024

P.C.:

1. Heard Mr. Nikte, learned Advocate for Petitioners and Mrs. Deshmukh, learned AGP for Respondent – State.

2. The order dated 10.11.2023 passed below Exhibit-59 in Regular Civil Appeal No.88 of 2015 is taken exception to in the present Writ Petition.

3. Writ Petitioners would submit that they are legal heirs of one of the heirs to the ancestral property in respect of which partition suit was filed. Writ Petitioners would submit that they are in possession of the suit property and in that view of the matter, I need to hear the Respondents.

4. Hence, issue notice to the Respondents. Humdast permitted.

In addition to Court's notice, Petitioners are directed to serve the Respondents a copy of this order and copy of the Writ Petition and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Writ Petition within a period of four weeks from today. Rejoinder, if any, to be filed within a period of two weeks thereafter.

5. In the meantime substantive challenge maintained in the present Writ Petition, hearing before the District Court in Regular Civil Appeal No.88 of 2015 is directed to be deferred until the present Writ Petition is determined by this Court. An endeavour shall be made by this Court to dispose the Writ Petition at time of admission which shall be noted by this parties.

6. Stand over to **18th June, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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